

Applicant: Braud et al.
Application No.: 09/555,555

REMARKS

Claims 32-34, 36, 37, 46, 47, and 49-54 are currently pending in this application. Claims 32-34, 36, 37, 46 and 51-53 have been allowed. By way of this Reply, claims 42-45 have been canceled, without prejudice, claims 47, 49, and 50 have been amended in a manner that is believed to overcome the rejections under 35 U.S.C. § 112, and claim 54 has been added to more distinctly claim subject matter that the Applicants regard as the invention. Applicants respectfully submit that no new matter has been introduced into this application by these amendments.

Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claims 42-45, 47 and 49 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that because the specification does not disclose the compounds identified by the methods of claims 32 or 46, it cannot disclose compounds for use in the claimed medical procedures. In particular, the Office Action states, "no compounds that will perform the claimed medical diagnostic procedures are disclosed, nor has any evidence been shown that such a compound was known."

Because claims 42-45 have been cancelled, this rejection is rendered moot to the extent that it pertains to these claims.

Claims 47 and 49, as amended, are directed to using the compounds identified by the methods of the respective independent claims in medical diagnostic

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procedures wherein the compounds are antibodies. Applicants respectfully traverse this rejection and respectfully submit that support for claims 47 and 49 is found in at least the following portions of the Specification:

- (1) Example 2, at pgs. 21-28 of the Specification of the published International Application, describes the identification of, e.g., anti-CD94 (HP3D9, DX22) and anti-HLA-E (DX17) antibodies in accordance with the present invention;
- (2) Example 8, at pgs. 35-36 of the Specification of the published International Application, identifies suitable anti-CD94, anti-HLA-E, and anti-NKG2A antibodies;
- (3) Pg. 7, line 3-17 of the Specification of the published International Application describes therapeutic use of antibodies identified in accordance with the present invention; and
- (4) Pg. 8, line 6 – pg. 10, line 22 of the published International Application describes various diagnostic and therapeutic uses of compounds identified in accordance with the present application.

Based on the foregoing support in the Specification, Applicants respectfully submit that claims 47 and 49, as amended, are fully supported by the description of the present application. Applicants respectfully submit that new claim 50 is

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likewise supported by the description of the present application for the same reasons.

Accordingly, withdrawal of the § 112, first paragraph, rejections of claims 47 and 49 is respectfully requested.

Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claim 50 has been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. The Office Action states that claim 50 is drawn to a method of producing a compound that affects the binding of HLA-E to CD94/NKG2 receptors, but only recites the steps for selecting a test compound, incubating the test compound with cells and determining whether the compound affects binding.

In accordance with the Examiner's remarks, claim 50 has been amended to recite, "whereby the test compounds which affect the binding of HLA-E to the cells are the identified compounds." Applicants respectfully submit that claim 54, as amended, should overcome this rejection, and withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102 (b)

Claims 42-45 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Int. Immunol. 7(4):607-703 (1995) (Mingari et al.). Because claims 42-45 have been cancelled, this rejection is now moot.

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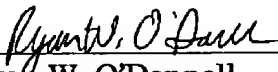
Conclusion

For the above reasons provided above, it is respectfully submitted that pending claims 32-34, 36, 37, 46, 47, and 49-54, are in condition for allowance. Accordingly, reconsideration and allowance of all pending claims is respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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